

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No: 41327/09  
Date Filed: NOVEMBER 16, 2009

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JASON KOWALSKY,

Plaintiff,

Plaintiff designates  
Suffolk County as the  
place of trial

-against-

Basis of venue:  
Location of Incident

**SUMMONS**

THE COUNTY OF SUFFOLK, THE SUFFOLK COUNTY  
DEPARTMENT OF PARKS, RECREATION &  
CONSERVATION and RAYMOND M. RANCOURT

Plaintiff resides at  
603 Lake Drive  
Medford, New York 11763

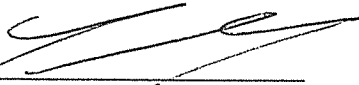
Defendant.

-----X  
County of Suffolk

To the above named Defendants

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 16, 2009

  
Lawrence T. Yablon, Esq.  
**ROBINSON & YABLON, P.C.**  
Attorneys for Plaintiff  
232 Madison Avenue, Suite 1200  
New York, New York 10016  
(212) 725-8566

TO:

The County of Suffolk  
H. Lee Dennison Bldg.  
100 Veterans Memorial Highway, 6<sup>th</sup> Floor  
Hauppauge, New York 11788

Raymond M. Rancourt  
2700 Sipp Avenue  
Medford, New York 11763

The Suffolk County Dept. of Parks, Recreation & Conservative  
200 Montauk Highway, 2<sup>nd</sup> Floor  
West Sayville, New York 11796

09 NOV 16 AM 10:33  
JUDITH A. PASCALE  
SUFFOLK COUNTY CLERK

FILED

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: 41227/09  
Date Filed: NOVEMBER 16, 2009

-----X  
JASON KOWALSKY,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

THE COUNTY OF SUFFOLK, THE SUFFOLK COUNTY  
DEPARTMENT OF PARKS, RECREATION &  
CONSERVATION and RAYMOND M. RANCOURT,

Defendants.  
-----X

Plaintiff's complaint, by his attorneys **ROBINSON & YABLON, P.C.**, sets forth that on June 12, 2009 at approximately 11:30 a.m. on the shoulder of southbound Middle Island-Yaphank Road (a/ka CR-21) just outside the entrance to Cathedral Pines Park in the Town of Brookhaven, County of Suffolk, and State of New York:

DKI 1. At all times hereinafter mentioned, the plaintiff, Jason Kowalsky was a resident of the County of Suffolk, City and State of New York.

A 2. At all times hereinafter mentioned, the defendant, The County of Suffolk was a domestic municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

A 3. At all times hereinafter mentioned, the defendant, The Suffolk County Department of Parks, Recreation & Conservation (hereinafter "Department of Parks") was and still is a department within the County of Suffolk, duly organized and existing under and by virtue of the laws of the State of New York.

A 4. At all times hereinafter mentioned, the defendant, Raymond M. Rancourt was an employee, agent and/or servant of defendants, The County of Suffolk and the Department of Parks.

D 5. That the plaintiff, Jason Kowalsky has complied with all conditions precedent to the commencement of the within action against the defendants, The County of Suffolk and Department of Parks, with <sup>Admit</sup> plaintiff's Notice of Claim having been timely served upon the defendants, on July 2, 2009] and that more than thirty (30) days have since elapsed and this claim remains unpaid and unadjusted.

D 6. [That the defendants held an oral examination <sup>Admit</sup> (50-H), pursuant to the General Municipal Law on November 9, 2009,] and, this action is being commenced herewith, within one (1) year and ninety (90) days from the date that the within cause of action having been caused to accrue.

D/KI 7. That at all times hereinafter mentioned, plaintiff, Jason Kowalsky was a pedestrian struck while performing his duties as an employee of non-party, Verizon Telecom.

A 8. That at all times hereinafter mentioned, defendant, The County of Suffolk, specifically by its Department of Parks was the owner of a 1998 Ford Truck registered in the State of New York having license plate number L28540.

A 9. That at all times hereinafter mentioned, defendant, Raymond M. Rancourt was the permissive operator of the 1998 Ford Truck registered in the State of New York having license plate number L28540.

DKI 10. That at all times hereinafter mentioned, the shoulder of southbound Middle Island-Yaphank Road (a/ka CR-21) just outside the entrance to Cathedral Pines Park in the Town of Brookhaven, County of Suffolk, and State of New York was and still is a public roadway and thoroughfare.

A 11. That at all times hereinafter mentioned, defendant, Raymond M. Rancourt was operating the aforementioned 1998 Ford Truck and traveling at said location.

D 12. That on June 12, 2009 on the shoulder of Middle Island-Yaphank Road (a/ka CR-21) just outside the entrance to Cathedral Pines Park in the Town of Brookhaven, County of Suffolk, and State of New York, the 1998 Ford Truck owned by defendants, and operated by defendant, Raymond M. Rancourt exercised poor judgment was inattentive and violently struck the plaintiff, Jason Kowalsky who was lawfully standing at the above referenced location.

D 13. That the aforementioned occurrence and resulting injuries to plaintiff, Jason Kowalsky were caused solely by the recklessness, carelessness and negligence of the defendants in the ownership, operation, maintenance and control of their 1998 Ford Truck.

D 14. That the aforementioned occurrence and resulting injuries to plaintiff, Jason Kowalsky were caused solely by the negligence of the defendants without any negligence on the part of the plaintiff, Jason Kowalsky, contributing thereto.

D 15. That as a result of the aforementioned occurrence, plaintiff, Jason Kowalsky sustained permanent, severe, serious, and disabling injuries; that he has suffered, still suffers and in the future will continue to suffer severe pain and nervous shock; that he has been confined to his bed and home and has been prevented from pursuing his usual duties and vocation; that he will be obliged to seek continuous medical care and treatment in the future and will be unable to attend to his usual and customary activities; that he has incurred medical expenses, hospital expenses and loss of earnings, and will, upon information and belief, continue to sustain such expenses substantially into the future.

D Refer to Court 16. As a result of the negligence of defendants, plaintiff, Jason Kowalsky suffered a "serious injury" as set forth in Section 5102 subdivision (d) of the Insurance Law of the State of New York and the economic loss to plaintiff, Jason Kowalsky was greater than basic economic loss.

D

17. By reason of the foregoing, plaintiff, Jason Kowalsky has been damaged in an amount exceeding the jurisdictional limits of all lower courts.

D refers to  
court  
18.  
Section 1602.

This action falls within one or more of the exceptions set forth in CPLR

WHEREFORE, plaintiff, Jason Kowalsky demands judgment jointly and severally against defendants, The County of Suffolk, The Suffolk County Department of Parks, Recreation & Conservation and Raymond M. Rancourt in an amount exceeding the jurisdictional limits of all lower courts together with costs and disbursements of this action.

Dated: New York, New York  
November 16, 2009

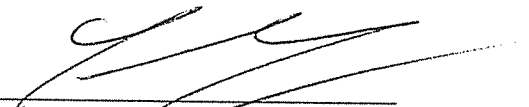


Lawrence T. Yablon, Esq.  
**ROBINSON & YABLON, P.C.**  
Attorneys for Plaintiff  
232 Madison Avenue, Suite 1200  
New York, New York 10016  
(212) 725-8566

VERIFICATION

Lawrence T. Yablon, being duly sworn, says:

I am an attorney admitted to practice law before the courts of the State of New York and am a member of the firm ROBINSON & YABLON, P.C., the attorneys of record for Jason Kowalsky, plaintiff in the within action. I have read the contents of the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to those matters said to be upon information and belief and as to those matters, I believe them to be true. My belief as to all matters not stated upon my knowledge are as follows: file maintained by ROBINSON & YABLON, P.C., and information supplied by the client. This verification is made by me because plaintiff resides in a county other than the county in which my office is located.

  
Lawrence T. Yablon, Esq.

Affirmed: November 16, 2009

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: 41277/09  
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JASON KOWALSKY,

Plaintiff,

-against-

THE COUNTY OF SUFFOLK, THE SUFFOLK COUNTY  
DEPARTMENT OF PARKS, RECREATION &  
CONSERVATION and RAYMOND M. RANCOURT,

Defendants.  
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SUMMONS AND VERIFIED COMPLAINT

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~~JUD. M. BAYLOR  
SUFFOLK COUNTY CLERK  
09 NOV 16 AM 10:33  
FILED~~

ROBINSON & YABLON, P.C.  
Attorneys for Plaintiff  
232 Madison Avenue, Suite 1200  
New York, New York 10016  
(212) 725-8566